

and their term of office; defining qualifications for membership, outlining the duties of the Committee and members; fixing the compensation of Committee members; repealing all laws in conflict; providing a savings clause; and declaring an emergency."

S. B. No. 439, A bill to be entitled "An Act authorizing the State Department of Public Safety to construct, equip and operate a building or plant upon the Tract of 84-12/100 acres out of the James P. Wallace League Survey No. 57 in Travis County, now owned by the State of Texas; making appropriation therefor; repealing all laws and parts of laws in conflict; and declaring an emergency."

Recess

Senator Cousins moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—19

Aikin	Hudson
Ashley	Jones
Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Moffett
Carney	Morris
Colson	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	

Nays—8

Corbin	McDonald
Hazlewood	Taylor
Lane	Tynan
Martin	Vick

Absent

Lock	Weinert
Moore	

Absent—Excused

Strauss

The Senate accordingly at 3:45 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-EIGHTH DAY

(Continued)

(Wednesday, June 22, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore.

Report of Conference Committee on Senate Concurrent Resolution 36

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
June 15, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your conference committee appointed to adjust the differences between the House and the Senate on S. C. R. No. 36, have had the same under consideration, and beg to report back with the recommendation that it do pass in the form hereto attached.

Respectfully submitted,

KELLEY of Hidalgo
BELL
TAYLOR
COUSINS
HAZLEWOOD

On the part of the Senate.

IVEY
BRISCOE
TIPPEN
MURRAY
JOHNSON

On the part of the House.

Whereas, The Water Rights of this State constitute the basic natural resources upon which the present and future happiness and welfare of its citizens and the economic well-being of this State depend; and

Whereas, The present water laws covering surface water, storm and flood waters, the water of the rivers and streams as well as the laws covering the appropriation, conservation, reclamation, diversion, drainage and impounding of such waters, contain many indefinite, ambiguous, conflicting and incomplete provisions for the development, conservation, appropriation, distribution and use of such waters; and

Whereas, A great deal of the surface and flood waters of this State are being wasted and permitted to flow into the sea to the great loss and damage of the citizens of this State who could benefit from the constructive use of such waters; and

Whereas, Under the decisions of our Courts covering the subject of waters and water courses and the control, appropriation and reclamation thereof, some confusion and some inequality has resulted; and

Whereas, The development of our water resources under a recent treaty between the United States and the Republic of Mexico has raised serious differences concerning prior rights of appropriation and their application and the administration thereof; and

Whereas, A comprehensive study of the law of "Riparian Rights" in Texas is highly desirable at this time because of conflicting claims asserted and of a need for a definite delineation of such rights and their relationship to other claims of rights to the appropriation and use of waters from our streams and water courses; and

Whereas, The Water Laws of this State should be brought up to date in the light of recent developments and current needs; and

Whereas, It is imperative to the welfare of the citizens of this entire State, as well as to the economic well-being of the State as a whole, that the entire system of water control, conservation, distribution, appropriation, diversion and impounding be thoroughly and effectively coordinated and that the statutory law be reviewed in the light of Constitutional provisions in order to determine whether or not such laws should be revised or recodified; and

Whereas, It is imperative that a thorough and comprehensive study be made of such laws and of the existing rights of users and the appropriation of water, and of the powers and obligations of the various Governmental Agencies and Districts authorized to appropriate, use, regulate and impound waters in this State and that a thorough study of the laws of various other States having similar problems should be made, to the end that great and lasting benefits to the economic welfare of this State be brought about, and that as a result thereof the standards of living of the citizens of this State as a whole be increased; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That a committee composed of twenty-one (21) members be immediately constituted to study same and all other questions relating to the Water Laws and Rights of this State, and particularly with a view to effecting a comprehensive revision and recodification of such existing laws under the Constitution of this State and of the United States; obtaining uniform and adequate distribution and conservation of such waters, surface, storm and flood, and natural flow; that the methods, systems and policies of the other states of the United States upon like subjects be studied and recommended where deemed applicable to Texas and that all inequalities in use and distribution be eliminated so that the benefits from all of the waters in this State may be shared by all of the citizens as nearly equally as possible; and that a comprehensive recommendation for such recodification and revision of such laws be made available at the next session of the Legislature; and, be it further

Resolved, That the Lieutenant Governor shall appoint six (6) members of the Senate and three (3) additional members of said committee; that the Speaker of the House of Representatives shall appoint six (6) members of the House of Representatives and three (3) additional members of said committee; and that the Governor shall appoint three (3) members of said committee; such members other than members of the Senate and the House of Representatives shall be citizens of this State who have resided herein for a period of not less than ten (10) years immediately preceding their appointment and who are familiar with the existing Water Laws in this State and with the subject of water control and conservation generally; and, be it further

Resolved, That there is hereby appropriated, out of the Contingent Fund of the 51st Legislature, the sum of Thirty-five Thousand (\$35,000.00) Dollars, or as much thereof as may be necessary, to accomplish the purposes set out herein; and said committee is empowered to effect its own organization, and adopt such procedure and operate as may be necessary to carry out fully the purposes herein described; shall elect its own Chairman and other organizational

officers; and said committee is hereby authorized to request special reports and information from all Governmental Agencies and Districts using, regulating, impounding or distributing any of the waters of this State in any manner whatsoever, and shall have the power to subpoena witnesses and hold such hearings as may be considered necessary at such places throughout the State as may be deemed best for the holding of same and for the accomplishment of the purposes herein set forth; and shall have the power to request the aid and assistance of the Board of Water Engineers and its staff from time to time as desirable; and such committee shall make such recommendations to the Governor, the Legislature and the people of the State as it may determine the facts and conditions to warrant, as soon as practicable. The committee is expressly authorized within the limits of this appropriation to employ such experts to study the problems as it may deem desirable and to employ all secretarial and stenographic assistance consistent with its purposes, and purchase all necessary supplies; and its members shall be entitled to receive their actual expenses when attending hearings anywhere in the State; and such committee may purchase such books and treatises and codifications of laws of other States and Nations to aid it in its work as it may find necessary and which are not available in the State Library of this State. After the report of the committee has been made, copies of each and every recommendation shall be filed with the Governor, the Speaker of the House, the Lieutenant Governor, the Board of Water Engineers, and given to the press; and upon request shall be furnished to all Governmental Agencies and Districts using, controlling or distributing any of the waters of this State.

The report was read and was adopted.

Senate Resolution 209

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, members of the teachers' class of the A. & M. College, accompanied by their teacher, Mrs. Fred L. Sloop; and

Whereas, This group is composed of a number of teachers who are at-

tending classes in a special course being offered by Texas A. & M. College Summer School, and which covers special work in reading, spelling and speech, beginning with the first grade and extending through the 8th grade; and

Whereas, This class is composed of teachers from all sections of Texas and from three other States, who have heard of this method; now, therefore, be it

Resolved, By the Senate of Texas, That the following persons be officially welcomed and recognized by the Senate; that they be extended the courtesies of the floor for the day; and that each member of this class be furnished with a copy of this resolution.

Mrs. O. K. Brown, Gatesville; Mrs. Threta Lee Cannan, Raymondville; Miss Agnes Chennault, Weslaco; Mrs. Edna Clark, Hearne; Mrs. Jane Coleman, Caldwell; Mrs. Mary S. Cornelison, Reagan (teaching Carlsbad, New Mex.); Mrs. Lucille Dowell, Caldwell; Mrs. Grace G. Eiland, Rockdale; Mrs. Newell Johnston Fall, Caldwell; Mrs. Ruth Floyd Ford, Caldwell; Miss Jewell Frost, Franklin; Miss Willie Helm, Brownsville; Miss Ola Maye Henry, Bryan; Miss Daisy Fitts Howard, Orange; Mrs. Claudine Jenkins, Caldwell; Mrs. Cleo Kiser, Cleveland, Virginia; Mrs. Loween Malechek, Rockdale; Mrs. Jeffa Simpson McCarty, Caldwell; Mrs. Myrtle Mae McIntosh, Ozona; Mrs. Bertha Lusky McLeod, Rockdale; Miss Zara Miller, Pearsall; Miss Molly Montgomery, Gatesville; Mrs. Maybell Nowak, Caldwell; Mrs. Thelma Lee Jackson Nolen, College Station; Mrs. Wilma Sanders Organ, Rockdale; Mrs. Robbie Petty, Buckholts; Mrs. Elsie H. Pierce, Milano; Mrs. Lelia Beth Powell, Bryan; Mrs. Sue B. Presnal, Bryan; Mrs. Lelia Ethel Pruett, Milano; Miss Mabel Richburg, Winnsboro; Mrs. Bernadine Rinn, Rockdale; Mrs. Sidney E. Schaaf, Milano; Miss Vashti Smith, Rockdale; Mrs. Dorothy Louise Stokes, Caldwell; Miss Florence Thompson, Devine; Miss Alva Timm, Hallettsville; Miss Mary Ellen Vincent, Bryan; Mrs. Joy Rice Walker, Milano; Mrs. L. A. Weiss, Jr., Refugio; Mrs. Lenna Mae Welborn, Hearne; Mrs. Jewell Williams, Rockdale; Mrs. Mae S. Wilson, Bryan; Miss Margaret Zuber, Bryan; Mrs. Cornelia Brown Sloop, teacher, Bryan.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 22, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 497, A bill to be entitled "An Act making a supplemental appropriation for the Fire Insurance Division of the Board of Insurance Commissioners; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 976 by vote of 103 yeas, 3 nays.

S. B. No. 55, A bill to be entitled "An Act to validate the establishment, organization, and/or creation of all school districts, validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes; providing that this Act shall not apply to certain districts involved now or previously involved in litigation, or to districts which may have been established and which later returned to original status; providing a savings clause; and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act to amend Section 2 of Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, being Article 4413b-1, Vernon's Annotated Civil Statutes, so as to provide for additional members and organizations of the Texas Commission on Interstate Cooperation; and amending Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, by adding thereto a new Section to be known as Section 4a, providing for cooperation with the other states, their officials and Commissions on Interstate Cooperation in opposing Federal ownership and control of submerged lands and presenting facts and arguments before the Committees of Congress in support of continued State ownership of such property; providing other duties and

authority of the Commission; making an appropriation for the accomplishment of such purposes; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 84 on Passage to Third Reading

The President pro tempore laid before the Senate as the unfinished business on its passage to third reading:

H. B. No. 84, Amending the liquor control act.

The bill having been read second time on yesterday.

Question—Shall the bill be passed to third reading?

Senator Bell offered the following amendment to the bill:

Amend H. B. No. 84, page 2, line 36, by striking out the word and figure "twenty (20)", and inserting in lieu thereof the word and figure "ten (10)".

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—22

Ashley	Jones
Bell	Kelley of Hidalgo
Bracewell	Lane
Bullock	Lock
Carney	McDonald
Colson	Morris
Corbin	Shofner
Cousins	Strauss
Harris	Taylor
Hazlewood	Vick
Hudson	Weinert

Nays—5

Aikin	Phillips
Martin	Tynan
Moffett	

Absent

Hardeman	Moore
Kelly of Tarrant	Proffer

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 5, line 22, by striking out the words "actually or apparently."

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, by changing the period at the end of line 64, page 5, to a semi-colon, and adding the following: "provided, however, this paragraph (23) shall not apply to any person who has been issued a permit or a renewal thereof on or before September 1, 1948, and has at some time been a citizen of the United States."

(President in the Chair)

The amendment was adopted by the following vote:

Yeas—16

Ashley	Kelley of Hidalgo
Bell	Lock
Bullock	Moore
Carney	Shofner
Corbin	Strauss
Cousins	Taylor
Hardeman	Vick
Harris	Weinert

Nays—13

Aikin	McDonald
Bracewell	Moffett
Colson	Morris
Hazlewood	Phillips
Hudson	Proffer
Lane	Tynan
Martin	

Absent

Jones Kelly of Tarrant

Senator Bell offered the following amendment to the bill:

Amend House Bill 84, page 6, by striking out lines 12 to 17 inclusive.

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 13, by inserting between lines 3 and 4, the following: "If the holder of a Package Store Permit or a Wine Only Package Store Permit is also the holder of a Local Cartage Permit as provided in this Section, he shall be privileged to transfer liquors as herein provided to or from any of his other licensed premises within the same County under said Local Cartage Permit."

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 19, by striking out all after the word "consumer" in line 13, down to and through the words "Local Distributor" in line 17, and inserting in lieu thereof the following: ", but not for resale and not to be opened or consumed on or near the premises where sold, and such sales may be made only in lots of not less than six (6) containers (as defined in Article II) holding twelve (12) ounces each, or in full multiples of such lots; or in lots of not less than three (3) containers (as defined in Article II) holding twenty-four (24) ounces each, or in full multiples of such lots; or in lots of not less than three (3) containers (as defined in Article II) holding thirty-two (32) ounces each, or in full multiples of such lots,".

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 20, by inserting between lines 22 and 23 the following: "(2a). Where a majority of the ownership in each of more than one legal entity, holding permits under this Act, is owned by one person, the businesses thereof may be consolidated under one legal entity and the permits shall be issued to such entity notwithstanding any other provision of this Act and further provided that after such consolidation it shall be illegal to transfer any of such permits to any other county."

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84 by striking out lines 56 to 65 inclusive, on page 20, and lines 1 and 2 on page 21.

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 22, by striking out lines 31 to 39 inclusive, and inserting in lieu thereof the following: "(20a). It shall be unlawful for any person under the age of twenty-one (21) years to import or possess for the purpose of importing any alcoholic beverage into the State of Texas. Any alcoholic beverage imported into or possessed

for the purpose of importation into the State of Texas by any person under the age of twenty-one (21) years or possessed in violation of Section 17 (20) is declared to be an illicit beverage and may be seized without warrant unless otherwise provided in this Act."

The amendment was adopted.

Record of Votes

Senators Martin and Phillips asked to be recorded as voting "nay" on the adoption of the amendment.

Senator Moffett moved to reconsider the vote by which the amendment was adopted.

Senator Bell moved to table the motion to reconsider.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—15

Bell	Moore
Carney	Morris
Corbin	Shofner
Cousins	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—15

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Phillips
Hardeman	Proffer
Hazlewood	Taylor
Lane	

Absent

Harris

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

Yeas—14

Aikin	Hazlewood
Bracewell	Lane
Bullock	Lock
Colson	Martin
Hardeman	McDonald

Moffett
Phillips

Proffer
Tynan

Nays—15

Bell	Kelly of Tarrant
Carney	Morris
Corbin	Shofner
Cousins	Strauss
Harris	Taylor
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Absent

Ashley Moore

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 22, by inserting after the word "of" on line 44, the following: "and collections for".

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 22, by striking out lines 57 to 63 inclusive, and inserting in lieu thereof the following: "(23). It shall be unlawful for any holder of either an Agent's Permit or a Manufacturer's Agent's Permit in soliciting or taking orders for the sale of liquor to represent himself as an agent of any person other than the person designated in his application for permit."

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 24, by changing the period at the end of line 15 to a comma, and adding the following: "and it shall be unlawful for any person to transport distilled spirits into this State unless the same shall be consigned and delivered to the holder of a Wholesaler's Permit."

The amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 24, by striking out lines 16 to 21 inclusive.

The amendment was adopted.

Record of Vote

Senator Martin asked to be recorded as voting "nay" on the adoption

of the amendment.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84, page 29, by changing the period in line 25 to a comma and adding the following: "provided, however, that not more than four (4) supervisors shall be appointed for one precinct."

The amendment was adopted.

Record of Vote

Senator Moffett asked to be recorded as voting "nay" on the adoption of the amendment.

Senator Bell offered the following amendment to the bill:

Amend House Bill No. 84 by striking out all after line 45 on page 31 of the printed bill and substituting in lieu thereof the following:

Section 13. Section 3 of Article II of the Texas Liquor Control Act be amended so as to read hereafter as follows:

"Sec. 3. It shall be unlawful for any person to manufacture or brew beer for the purpose of sale, or to import into this State, or to distribute, or to sell any beer, or to possess any beer for the purpose of sale within this State without having first obtained appropriate license as herein provided, which license shall at all times be displayed in some conspicuous place within the licensed place of business."

"(a). A Manufacturer's License shall authorize the holder thereof to manufacture or brew beer and to distribute and sell same to others; and to dispense beer for consumption on Manufacturer's premises; and shall also authorize the holder to bottle, can, or pack into containers beer for resale to any place in this State to others, regardless of whether such beer is manufactured or brewed in the State of Texas, or in any other State of the United States, and imported into Texas; provided that no beer shall be imported into this State except in accordance with the provisions of this Act, that is, in barrels or other containers, and shall at no time be shipped into this State in tank cars; provided that the Texas Liquor Control Board shall have the same functions, powers and duties to adopt and enforce a standard of quality, purity, and identity of malt beverages, and

to promulgate all such rules and regulations as shall be deemed necessary to fully safeguard the public health and to insure sanitary conditions in the manufacturing, purifying, bottling, and rebottling of beer under a Manufacturer's License as apply to manufacturers located within the State of Texas. Every person, agent, receiver, trustee, firm, corporation, association, or copartnership opening, establishing, operating or maintaining one or more establishments under a Manufacturer's License within this State under the same general management or ownership shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such establishments. Each establishment bottling beer of the same brand or beer brewed by the same manufacturer shall be held to be under a common management and control, and shall be subject to the license fees prescribed herein regardless of the nature of control or ownership of each separate establishment. The annual State license fees herein prescribed shall be as follows:

"1. Upon one (1) establishment the license fee shall be Five Hundred Dollars (\$500.00);

"2. Upon each additional establishment in excess of one (1), but not to exceed two (2), the license fee shall be Ten Thousand Dollars (\$10,000.00);

"3. Upon each additional establishment in excess of two (2), but not to exceed five (5), the license fee shall be Twenty-five Thousand Dollars (\$25,000.00);

"4. Upon each additional establishment in excess of five (5), the license fee shall be Fifty Thousand Dollars (\$50,000.00).

"The provisions of this Act shall be construed to apply to every person, agent, receiver, trustee, firm, corporation, copartnership, or association, either domestic or foreign, which is controlled or held with others by majority stock ownership, or ultimately controlled or directed by one management or association of ultimate management.

"(b). General Distributor's License. A General Distributor's License shall authorize the holder thereof to distribute or to sell beer to other General Distributors, Branch Distributors, Local Distributors, Retail Dealers, ultimate consumers and others only in the unbroken original pack-

ages in which it is received by him from the Manufacturer, General Distributor, or Branch Distributor, and to serve free beer for consumption on the licensed premises. Annual State fee for a General Distributor's License shall be Two Hundred Dollars (\$200.00).

"(c). Local Distributor's License. A Local Distributor's License shall authorize the holder thereof to serve free beer for consumption on the licensed premises, and to sell and distribute beer to Retail Dealers, ultimate consumers and others in the county of his residence only in the unbroken original packages in which it is received by him from the Manufacturer, General Distributor, or Branch Distributor; and such sales may be made to other Local Distributors licensed to sell beer only in the county of the selling distributor's residence. Annual State fee for a Local Distributor's License shall be Fifty Dollars (\$50.00).

"(d). Branch Distributor's License. The holder of a Manufacturer's or General Distributor's License, after obtaining the primary license in the county of his domicile or residence, may establish other places of business in any counties wherein the sale of beer is legal for the distribution of beer upon obtaining a Branch Distributor's License for each such place of business as herein provided, and such Branch Distributor may serve free beer for consumption on the licensed premises. Application for a renewal of a Branch Distributor's License may be made concurrently with the filing of the application for the renewal of a Manufacturer's or General Distributor's License, and all Branch Distributor Licenses shall terminate at the same time as the primary license of such licensee. The annual State fee for a Branch Distributor's License shall be Fifty Dollars (\$50.00); provided, however, that the fee for any license required to terminate in less than twelve (12) months from the date of issue shall be paid in advance at the rate of Four and 25/100 Dollars (\$4.25) for each month or fraction thereof for which the license is issued.

"To obtain a Branch Distributor's License the applicant therefor shall make application in the same manner as provided in Section 6 of Article II of this Act.

"The renewal of a Branch Distributor's License shall be made in the

manner as provided in Section 7 of Article II of this Act, and application for renewal may be made concurrently with application for renewal of the primary license. The privileges of a Branch Distributor's License shall be the same as a General Distributor's License as provided in this Section.

"If by local option election the holder of a Branch License shall be prevented from selling beer in the county of his residence and for such reason his primary license becomes void, nevertheless he shall not be denied the right of lawfully selling beer under any existing Branch License until the normal expiration thereof; it being further provided that any such Manufacturer or Distributor may, upon the expiration of any such Branch License, immediately thereafter obtain in any county wherein a Branch License has been held a primary Manufacturer's or Distributor's License without the necessity of qualifying as a resident of the county in which such primary license is sought.

"(e). Retail Dealer's On-Premise License. A Retail Dealer's On-Premise License shall authorize the holder thereof to sell beer for consumption on or off the premises where sold, in or from any lawful container to the ultimate consumer, but not for resale. Annual State fee for a Retail Dealer's On-Premise License shall be Twenty-five Dollars (\$25.00).

"(f). Retail Dealer's Off-Premise License. A Retail Dealer's Off-Premise License shall authorize the holder thereof to sell beer in a lawful container direct to the consumer, but not for resale and not to be opened or consumed on or near the premises where sold. Annual State fee for Retail Dealer's Off-Premise License shall be Ten Dollars (\$10.00).

"(g). No General Distributor's License, Local Distributor's License, or Branch Distributor's License shall be issued to any person who is the holder of a Package Store Permit, or a Wine Only Package Store Permit.

"(h). The Commissioners' Court in each county of this State shall have the power, except as herein otherwise provided as to Temporary Licenses, to levy and collect from every person licensed hereunder in said county a license fee equal to one-half ($\frac{1}{2}$) of the State fee; and any incorporated city or town wherein the license is issued shall have the power, except as to Temporary Licenses, to levy and

collect a license fee not to exceed one-half ($\frac{1}{2}$) of the State fee, but no other fee or tax shall be levied by either. Nothing herein contained shall be construed as preventing the levying, assessing and collecting of general ad valorem taxes on the property of any person licensed to sell beer. The Board or Administrator may cancel the license of any person upon finding that the licensee has not paid any fee levied by the city as provided in this subsection.

"(i). The holder of a Manufacturer's License or a Distributor's License shall be authorized to maintain or engage necessary warehouses, for storage purposes only in areas where the sale of beer is lawful, from which deliveries may be made without such warehouses being licensed, except that importations of beer from outside the State shall not be made directly or indirectly to such unlicensed warehouses. Any warehouse or railway car in which sales orders for beer are taken or money therefor collected shall be deemed a separate place of business for which a license is required. The sale and delivery of beer from a truck of a licensed Manufacturer or Distributor to a licensed retail dealer at the latter's place of business shall not constitute such truck to be a separate place of business. The Board shall govern by rule and regulation the transportation of such beer, the sale of which is to be consummated at the licensed retailer's place of business.

(j). Temporary License. A Temporary License shall authorize the holder thereof to sell beer only for consumption on or off the premises where sold, in or from any lawful container to the ultimate consumer, and no such license shall authorize the sale of beer at any point outside the county where same is issued. Temporary Licenses shall be issued by the Board, Administrator, or any authorized representative of the Board. The Board shall adopt all necessary rules and regulations to effectuate the issuance and use of Temporary Licenses. A Temporary License shall not be issued to any person who does not also hold a Retail Dealer's On-Premise License or a Wine and Beer Retailer's Permit. A Temporary License shall be issued for a period of not more than four (4) days. Fees collected from the issuance of Temporary Licenses shall be retained by the Texas Liquor Control Board, and no fees

shall be charged by any city or county for such licenses; and no refund shall be allowed upon the surrender or non-use of any such license. The Board, Administrator, or any authorized representative of the Board may issue such licenses only for the sale of beer at picnics, celebrations, or similar events, and may refuse to issue such licenses if there is reason to believe the issuance of the license would in any manner be detrimental to the public. The basic license or permit, under which the Temporary License was issued, may be suspended or cancelled for any violation of Section 19 or Section 19-B of this Article on the premises of a Temporary License. The fee for a Temporary License shall be Five Dollars (\$5.00)."

Section 14. Section 5, Article II, of the Texas Liquor Control Act, be amended so as to read hereafter as follows:

"Sec. 5. A. Any person may file an application for a license as a Manufacturer, Distributor or Retail Dealer of beer in vacation or in term time with the County Judge of the county in which the applicant desires to engage in such business. The County Judge shall refuse to approve the application for such license if he has reasonable grounds to believe and finds any of the following to be true:

"B. If a Manufacturer:

"(a). That he is not a law-abiding, taxpaying citizen of this State, over twenty-one (21) years of age; that he has not been a resident of the county wherein such license is sought for a period of more than one (1) year next preceding the filing of such application; and that he has been convicted of a felony within two (2) years immediately preceding the filing of such application.

"(b). If a co-partnership, that not all of the individuals have the same qualifications as provided in paragraph (1) above.

"(c). If a corporation, that applicant is not organized and chartered under and has not complied with all corporation laws of this State applicable to such corporation, that the principal place of business is not in the county where such license is sought, and the president or manager has not made an affidavit that he possesses none of the disqualifications provided in paragraph (1) above.

"C. If a Distributor or Retailer:

"(a). That the applicant is under

twenty-one (21) years of age; or

"(b). That the applicant is indebted to the State for any taxes, fees, or penalties imposed by this Act or by any rule or regulation of the Board; or

"(c). That the place or manner in which the applicant for a Retail Dealer's License may conduct his business is of such nature which based on the general welfare, health, peace, morals, and safety of the people, and on the public sense of decency, warrants a refusal of the license; or

"(d). That the applicant is in the habit of using alcoholic beverages to excess, or is physically or mentally incompetent; or

"(e). That the applicant has not been a resident of the county where such license is sought for a period of more than one (1) year immediately preceding the filing of his application, except as provided in Subsections F and G of this Section; or

"(f). That the applicant is not a citizen of the United States or has not been a citizen of Texas for a period of three (3) years immediately preceding the filing of his application, provided, however, that this paragraph (f) shall not apply to any person who has been issued a license or a renewal thereof on or before September 1, 1948; or

"(g). That the applicant has been finally convicted of a felony during the two (2) years next preceding the filing of his application; or

"(h). That the applicant is not of good moral character, that his reputation for being a peaceable, law-abiding citizen in the community where he resides is bad.

"D. The County Judge may refuse to issue a Distributor's or Retailer's License to any applicant if he has reasonable grounds to believe and finds any of the following to be true:

"(a). That the applicant has been finally convicted in a court of competent jurisdiction for the violation of any provision of this Act during the two (2) years next preceding the filing of his application; or

"(b). That two (2) years has not elapsed since the termination, by pardon or otherwise, of any sentence imposed upon conviction for a felony; or

"(c). That the applicant has violated or caused to be violated any provision of this Act or any rule or regulation of the Board for which a suspension has not already been imposed,

during the twelve (12) months period next preceding the date of his application; or

"(d). That the applicant has failed to answer or has falsely answered or has incorrectly answered any of the questions in his original or renewal application; or

"(e). That the applicant for a Retail Dealer's License does not have available an adequate building at the address for which the license is sought; or

"(f). That the applicant has had any interest in any license or permit which license or permit has been cancelled or revoked within the twelve (12) months next preceding the date of the application; or

"(g). That the applicant is residually domiciled with any person in whose name any license or permit has been cancelled or revoked within one (1) year next preceding the date of the application for a license; or

"(h). That the applicant for a Manufacturer's or Distributor's License owns or has an interest in any premises covered by a Retail Beer License; or that any person owning or having any interest in a Retail Beer License owns or has an interest in the premises sought to be licensed under a Manufacturer's or Distributor's License; or

"(i). That the applicant has failed or refused to furnish a true copy of his application to the Texas Liquor Control Board District Office in the district in which the premise sought to be covered by a license is located; or

"(j). That the applicant has any financial interest in any establishment authorized to sell distilled spirits, except as provided in Section 23 (a) (5) and Section 17 (1) of Article I of the Texas Liquor Control Act; or

"(k). That a person engaged in the business of selling distilled spirits has any financial interest in the business to be conducted under the license sought by the applicant, except as provided in Section 23 (a) (5) and Section 17 (1) of Article I of the Texas Liquor Control Act; or

"(l). That the applicant is residually domiciled with a person who has a financial interest in an establishment engaged in the business of selling distilled spirits, except as provided in Section 23 (a) (5) and Section 17 (1) of Article I of the Texas Liquor Control Act; or

"(m). That the applicant for a

Retail Dealer's License has any real interest in the business of a Manufacturer or Distributor of beer or any real interest in the premises in which such Manufacturer or Distributor conducts his or its business; or

"(n). That the premises for which the license is sought, where beer is to be sold for consumption on the premises, does not have running water, such being available, or does not have separate toilets for males and females, properly marked and identified, on the premises sought to be covered by the license; or

"(o). That the place, building, or premises for which the license is sought has theretofore been used for selling alcoholic beverages in violation of the law at any time during the six (6) months immediately preceding the date of the application, or has during that time been a place operated, used, or frequented in any manner or for any purpose contrary to the provisions of this Act, or, so operated, used, or frequented for any purpose or in any manner lewd, immoral, or offensive to public decency; or

"(p). That the premises sought to be licensed under a Retail Dealer's License are owned in part by a Manufacturer or Distributor.

"E. If the County Judge approves the application for a license as a Retail Dealer of beer, then the Board or Administrator may refuse to issue a Retailer's License to any applicant for any one or more of the reasons which would have been legal ground for the County Judge to refuse to approve the application for such a license.

"F. Where the word 'applicant' is used in Subsections A, B, C, and D of this Section, it shall, in case of a partnership, include each individual of such partnership, except that only one partner need be a resident of the county wherein the partnership seeks to be licensed as a General Distributor.

"G. If the applicant is a corporation, the president or manager shall make an affidavit that he possesses none of the disqualifications pertaining to the type of license applied for as set forth in Subsections B, C, and D of this Section, and in addition thereto shall make an affidavit that the applicant is organized and chartered under and has complied with all laws of this State applicable to such corporation, and has a local manager in such county possessing none of the

disqualifications pertaining to the type of license sought.

"H. The Board or Administrator may, upon application for renewal of a Retail Dealer's License, without a hearing, refuse to issue a license to any person under the restrictions of this Section, as well as under any other pertinent provisions of this Act, and require such applicant to make an original application.

"I. The restrictions as to residence in the county in which a Retail Dealer's License is applied for shall not be applicable to any retail dealer who may have qualified by law and obtained a Retail Dealer's License in the county of his residence, when such retail dealer also seeks to obtain a Retail Dealer's License in any other county, and said license shall not be renewable more than once unless the license held by applicant in the 'county of his residence' is renewed. No license held in suspense shall qualify the holder thereof for a license in any county other than that of his residence.

"Any person who is the holder of a Wine and Beer Retailer's Permit or a Retail Dealer's On-Premise License, or a Retail Dealer's Off-Premise License which will become void by a local option election shall be qualified to make application for a Wine and Beer Retailer's Permit or a Retail Dealer's On-Premise License or a Retail Dealer's Off-Premise License in any other county, provided such application is made and received by the Board or Administrator in Austin, Texas, prior to the effective date of such election."

Section 15. Section 5-A of Article II of the Texas Liquor Control Act is hereby repealed.

Section 16. Section 19, Article II of the Texas Liquor Control Act be amended so as to read hereafter as follows:

"Sec. 19. The Board or Administrator may cancel or suspend for a period of time not exceeding sixty (60) days, after notice and hearing, any license or any renewal of such license, upon finding that the licensee has:

"A. If a Retail Dealer's Off-Premise License or Retail Dealer's On-Premise License:

"1. Knowingly sold, served, or delivered beer to a person under the age of twenty-one (21) years; or

"2. Sold, served, or delivered beer

to a person showing evidence of intoxication; or

"3. Sold, served, or delivered beer to a person during hours when such sale was forbidden by law; or

"4. Opened an original package containing beer having a tax stamp thereon without then and there mutilating or otherwise defacing such stamp; or

"5. Made or offered to enter into an agreement, condition, or system, the effect of which would amount to the sale or possession of alcoholic beverages on consignment; or

"6. Possessed or permitted to be possessed by his agents or servants or employees, on premises covered by his license or on premises adjacent thereto and directly or indirectly under his control, any alcoholic beverage that he is not authorized by law to sell at the place of business covered by the license sought to be cancelled by the Board or Administrator, except as provided in Sec. 23 (a) (5) of Article I or Sec. 17 (1) of Article I of the Texas Liquor Control Act; or

"6a. Does not have running water, such being available, or does not have separate toilets for males and females properly marked and identified, on the licensed premises; or

"7. Permitted on the licensed premises any conduct by any person whatsoever that is lewd, immoral, or offensive to public decency; or

"8. Employed any person under the age of eighteen years to sell, handle or dispense or to assist in selling, handling, or dispensing beer in any establishment where beer is sold at retail to be consumed on the premises where sold; or

"9. Conspired with any person to violate any of the provisions of Section 24 of this Article, or accepted the benefits of any act prohibited by such Section; or

"10. Refused to permit or interfered with an inspection of the licensed premises by an authorized representative of the Board or any peace officer; or

"11. Contributed money or other thing of value toward the campaign expenses of any candidate for office; or

"12. Permitted his license to be used or displayed in the operation of a business conducted for the benefit of any person not authorized by law to have an interest in said license; or

"13. Maintained blinds or barriers at his place of business in violation of the law; or

"14. Is financially interested in any place of business engaged in the selling of distilled spirits or has permitted any other person who has a financial interest in any place of business engaged in the sale of distilled spirits to be interested financially in the business authorized by his license, except as provided in Section 23 (a) (5) and Section 17 (1) of Article I of this Act; or

"15. Is residually domiciled with or so related to any person engaged in the sale of distilled spirits, except as provided in Section 23 (a) (5) or Section 17 (1) of Article I of this Act, that there is a community of interest which the Board or Administrator may deem inimical to the purposes of this Act, or is so related to any person in whose name any license has been cancelled or revoked within the twelve (12) months next preceding any date fixed by the Board or Administrator for hearing upon a motion to cancel or revoke the existing license; or

"16. Violated any provision of this Act or any rule or regulation of the Board at any time during the existence of the license sought to be cancelled or within the next preceding license period of any license held by the licensee; or

"17. Consumed or permitted the consumption of alcoholic beverages on the licensed premises during any time when such consumption is prohibited as provided in Section 4 (c) of Article I of the Texas Liquor Control Act; or

"18. Purchased beer for the purpose of resale from any person other than the holder of a Distributor's, Manufacturer's, or Branch Distributor's License; or

"19. Purchased, bartered, borrowed, loaned, exchanged, or acquired any alcoholic beverage for the purpose of sale from another retail dealer of alcoholic beverage; or

"20. Owned any interest in the business of any distributor of beer, or any interest of any kind in the premises in which such distributor conducts his or its business; or

"21. Purchased, sold, offered for sale, distributed, delivered, consumed or permitted to be consumed on the licensed premises any alcoholic beverages during any period when his license was under suspension; or

"22. Has made any false statement or misrepresentation in his original application or any renewal application; or

23. Purchased, possessed, or stored, or sold or offered for sale any beer in or from an original package bearing a brand or trade name of a manufacturer other than the brand or trade name of the manufacturer shown on the container; or

24. Delivered or consumed or permitted the consumption of any alcoholic beverage on the licensed premises on the day of any general primary election or general election held in this State between the hours of 7:00 A.M. and 8:00 P.M.; or

25. Is in the habit of using alcoholic beverages to excess, or is mentally incompetent or physically unable to carry on the management of his establishment; or

26. Has been finally convicted of a felony during the period he is the holder of any license or any renewal thereof; or

27. Imported beer into this State, except as provided in Section 3-b, Article II of the Act; or

28. Occupied a premise in which any Manufacturer, General Distributor, Branch Distributor, or Local Distributor has any interest of any kind; or

29. If a retailer, knowingly allowed or permitted a person who had an interest in a permit or license which was cancelled for cause within one (1) year from the date of such cancellation, to sell or handle or to assist in selling or handling alcoholic beverages on his licensed premises; or

30. Has been finally convicted for the violation of any penal provisions of this Act; provided, however, that no license authorizing the retail sale of beer in a hotel shall be cancelled for the causes specified in the foregoing paragraphs 6, 14, and 15 in those cases where there is a place of business authorized to sell distilled spirits in unbroken packages on premises of the hotel other than that part of such premises covered by the Retail Beer Dealer's License.

31. The causes specified in the foregoing paragraphs 1 through 29 shall also mean and include each member of a partnership or association, and the president, manager or owner of the majority of the corporate stock of a corporation, except as provided in Section 23 (a) (5) and Section 17 (1) of Article I of the Texas Liquor Control Act.

The causes specified in the foregoing paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 17, 18, 21, 24, and 29 shall also mean and include any agent, servant or employee of the licensee.

B. If a General Distributor's License, Local Distributor's License, or Branch Distributor's License:

1. Violated any of the provisions of Section 24 of this Article; or

2. Failed to comply with all lawful requirements of the Board as to keeping of records and making of reports; or

3. Failed to pay any taxes due to the State as provided in this Article on any beer sold, stored, or transported by the licensee; or

4. Refused to permit or interfered with any inspection of his licensed premises or vehicles or books and records by any authorized representative of the Board; or

5. Consummated any sales of beer outside the county or counties in which his license authorized him to sell; or

6. Violated any provision of this Act or any rule or regulation of the Board at any time during the existence of the license sought to be cancelled or within the preceding license period of any license held by the licensee; or

7. Purchased, sold, offered for sale, distributed, or delivered any beer during any period when his license was under suspension; or

8. Permitted his license to be used in the operation of a business conducted for the benefit of any person not authorized by law to have an interest in said business; or

9. Has made any false or misleading representation or statement in his original application or any renewal application; or

10. Is in the habit of using alcoholic beverages to excess, or is mentally incompetent or physically unable to carry on the management of his establishment; or

11. Misrepresented to a retailer or the public any beer sold by him; or

12. Employed any person under the age of eighteen (18) years to sell, deliver or distribute, or to assist in selling, delivering or distributing any beer; or

13. Knowingly sold or delivered beer to any person under the age of twenty-one (21) years; or

14. Contributed money or other thing of value toward the campaign expenses of any candidate for public office; or

15. Purchased, possessed, stored, sold, or offered for sale any beer in an original package bearing a brand or trade name of a manufacturer other than the brand name or trade name of the manufacturer shown on the container; or

16. Has been finally convicted of a felony during the period he is the holder of any license or any renewal thereof; or

17. Has received, stored, or possessed unstamped beer, except military beer; or

18. Has been finally convicted for the violation of any penal provisions of this Act.

19. The causes specified in the foregoing paragraphs 1 through 18 shall also mean and include each member of a partnership or association, and the president, manager, or owner of the majority of the corporate stock of a corporation.

The causes specified in the foregoing paragraphs 4, 5, 7, 11, 12, 13, 15, and 17 shall also mean and include any agent, servant, or employee of the licensee.

C. If a Manufacturer:

The Board or Administrator shall have the power and authority to suspend, after notice and hearing, the license of any Manufacturer to sell beer in this State when such licensee has violated any provision of this Act applying to Manufacturers or any rule or regulation of the Board applying to Manufacturers, until said licensee obeys all lawful orders of the Board or Administrator requiring such licensee to cease and desist from such violations.

D. Any act of omission or commission enumerated herein as cause for the cancellation or suspension of any type of license shall also be a violation of this Act and subject to the penalties provided in Section 26 of this Article, provided, however, that the penalty for the making of any false or untrue statements in any application for a license or in any statement, report, or other instrument to be filed with the Board, and which is required to be sworn to, shall be as is provided in Section 17 (a) (2) of Article I of this Act."

Section 17. Section 19-B, Article II, of the Texas Liquor Control Act be amended so as to read hereafter as follows:

"Sec. 19-B. For the purposes con-

templated by this Act, conduct by any person at a place of business where the sale of beer at retail is authorized that is lewd, immoral, or offensive to public decency is hereby declared to include but not be limited to the following prohibited acts; and it shall be unlawful for any person engaged in the sale of beer at retail, or any agent, servant, or employee of said person, to engage in or to permit such conduct on the premises of the retailer:

(a). The use of or permitting the use of loud and vociferous or obscene, vulgar, or indecent or abusive language.

(b). The exposure of person or permitting any person to expose his person.

(c). Rudely displaying or permitting any person to rudely display a pistol or any other deadly weapon in a manner calculated to disturb the inhabitants of such place.

(d). Solicitation of any person for coins to operate musical instruments or other devices.

(e). Solicitation of any person to buy drinks or beverages for consumption by the retailer or his employees.

(f). Becoming intoxicated on licensed premises or permitting any intoxicated person to remain on such premises.

(g). Permitting entertainment, performances, shows, or acts that are lewd or vulgar.

(h). Permitting solicitations of persons for immoral or sexual purposes or relations.

(i). Failing or refusing to comply with or failure or refusal to maintain the retail premises in accordance with the health laws of this State or any sanitary laws or with sanitary or health provisions of any city ordinance."

Section 18. Section 20, Article II, of the Texas Liquor Control Act, be amended so as to read hereafter as follows:

"Sec. 20. The Board or Administrator shall have the power and authority upon its own motion, and it is hereby made its duty upon petition of the County Judge, County Attorney, or Sheriff of the county, or the Mayor or Chief of Police of the incorporated city or town wherein may be located the place of business of the licensee complained of in such petition, to fix a date for hearing, and give notice thereof to the licensee complained of for the purpose of determining wheth-

er or not the license of such licensee is to be cancelled by the Board or Administrator, and to notify such licensee that he may appear to show cause why such license should not be cancelled. The Board or Administrator is authorized and empowered to cancel the license of any licensee upon determining after hearing that the holder thereof has given cause for such cancellation in any manner enumerated in Section 19 or Section 19-B of this Article."

Section 19. Section 17 of Article II of the Texas Liquor Control Act be amended so as to read hereafter as follows:

"Sec. 17. It shall be unlawful for any person to install or maintain any barrier or blind in the opening or doors of any retail establishment, nor shall any windows of said establishment be painted in such a way as to obstruct the view from the general public at or above a height of fifty-four (54) inches above the ground or sidewalk outside and beneath such window."

Section 20. Section 24-A of Article II, of the Texas Liquor Control Act, be amended so as to read hereafter as follows:

"Sec. 24-A. 1. The term 'outdoor advertising' as used herein shall mean any sign bearing any words, marks, description or other device and used to advertise the alcoholic beverage business of any person engaged in the manufacture, sale or distribution of alcoholic beverages, or in the advertisement of any beverage containing alcohol in excess of one-half of one per cent ($\frac{1}{2}$ of 1%) by volume, when such sign is displayed anywhere outside the walls or enclosure of any building or structure where there exists a license or permit to sell alcoholic beverages. The term 'outdoor advertising' shall not be inclusive of any advertising appearing on radio or television, or in any public vehicular conveyances for hire, or in a newspaper, magazine or other literary publication published periodically. Any such sign erected inside a building and within five (5) feet of any exterior wall of such building facing a street or highway and so placed that it may be observed by a person of ordinary vision from outside the building, shall be deemed outdoor advertising. For the purposes of this Section the word 'sign,' as applied to its use by a Retailer, shall not include any

identifying label affixed to any container as authorized by law, nor to any card or certificate of membership in any association or organization, provided such card or certificate is not larger than eighty (80) square inches.

The word 'billboard' as used herein shall mean a structure directly attached to the land, or to any house or building, and having one or more spaces used for displaying thereon a sign or advertisement of the alcoholic beverage business of any person engaged in the manufacture, sale or distribution of alcoholic beverages, or for the advertisement of any beverage containing alcohol in excess of one-half of one per cent ($\frac{1}{2}$ of 1%) by volume, whether or not such structure or sign be illuminated by artificial means. The term 'billboard' shall not be inclusive of any wall or other part of any structure used as a building, fence, screen, front or barrier.

The term 'electric sign' as used herein shall mean a structure or device, other than an illuminated billboard, by means of which artificial light created through the application of electricity is utilized for the advertisement of the alcoholic beverage business by any person engaged in the manufacture, sale or distribution of alcoholic beverages, or for the advertisement of any beverage containing alcohol in excess of one-half of one per cent ($\frac{1}{2}$ of 1%) by volume.

2. All outdoor advertising as herein defined is hereby prohibited within the State of Texas except as herein expressly provided:

(a). The use of billboards or electric signs as herein defined having a surface of not less than one hundred eighty (180) square feet is hereby authorized unless located or to be located in a manner contrary to the limitations imposed by this Act.

(b). The holders of Retailer's Licenses or Permits are authorized to erect or maintain at their respective places of business one (1) sign only containing the words:

If a Beer Retailer, the word 'Beer.'

If a Wine and Beer Retailer, the word or words 'Beer,' 'Beer and Wine,' or 'Beer, Wine and Ale.'

If the holder of a Package Store Permit, the word or words 'Package Store,' 'Liquors,' or 'Wines and Liquors,' and if also the holder of a Retail Dealer's Off-Premise License,

the word or words 'Package Store' or 'Wines, Liquors and Beer.'

If the holder of a Wine Only Package Store Permit, the word 'Wine' or 'Wines,' and if also the holder of a Retail Dealer's Off-Premise License, the words 'Wines and Beer,' or 'Wine and Beer.'

Such sign may be placed within or without the place of business so as to be visible to the general public. No such sign shall contain letters of greater height than twelve (12) inches, and no such sign shall contain any wording, insignia or device representative of the brand or name of any alcoholic beverage or the manufacturer of any alcoholic beverage. The Board or Administrator is hereby authorized to expand this provision to the extent of permitting a licensee to erect or maintain one such sign at each entrance or side of a building occupied by a licensee and facing more than one street or highway.

(c). The use of billboards, electric display signs or other signs to designate the firm name or business of any holder of a permit or license authorizing the manufacture, rectification, bottling or wholesaling of alcoholic beverages, when displayed at the place of business of such person is hereby authorized.

(d). The use of alcoholic beverages or printed or lithographed material advertising alcoholic beverages inside a premise where there exists a permit or license to sell alcoholic beverages, when used as a part of a display, is hereby authorized, provided such alcoholic beverages or advertising material so used may not be placed within six (6) inches of any window or opening facing upon a street, alley or highway, and provided further that the term 'advertising material' as used in this Section shall not be construed to mean or include any card or certificate of membership in any Association or Organization, if such card or certificate is not larger than eighty (80) square inches.

(e). The Board shall have the power and authority, and it is hereby made its duty, to adopt rules and regulations permitting and regulating the use of business cards, menu cards, stationery, and service vehicles and equipment and delivery vehicles and equipment bearing advertisement of alcoholic beverages, and permitting and regulating the use of insignia advertising beer by brand name on

caps, regalia or uniforms worn by employees of a Manufacturer or Distributor or by participants in any game, sport or athletic contest or revue when said participants are sponsored by a Manufacturer or Distributor.

3. It shall be unlawful for any person to erect or maintain any billboard or electric sign in violation of any ordinance of an incorporated city or town.

It shall be unlawful for any person to erect or maintain any billboard or electric sign within an area or zone where the sale of alcoholic beverages is prohibited by law.

4. It shall be unlawful for any person to erect or maintain any billboard or electric sign within two hundred (200) feet of any place where there exists a permit or license to sell the advertised beverage at retail without first securing from the Texas Liquor Control Board a permit to erect or maintain such billboard or electric sign, provided no such permit shall be required for billboards or electric signs having a surface of one hundred eighty (180) square feet, or more, if not located within two hundred (200) feet of any place where there exists a license to sell the advertised beverage at retail. Application for any exception to this provision shall be addressed to the Board or Administrator upon such form as may be prescribed and containing such information as may be deemed necessary by the Board or Administrator. The application shall be made under oath and shall state in addition to such other information as may be required by the Board, that the erection or maintenance of any such billboard or electric sign will not serve to advertise or direct patronage to any particular place of business licensed to sell any alcoholic beverage at retail.

The Board or Administrator shall refuse to issue a permit for the erection or maintenance of any billboard or electric sign if it finds any statement in the application therefor to be false; and the Board or Administrator shall grant the permit for erection or maintenance of any such billboard or electric sign if it finds all statements in the application therefor to be true, and if it finds that the erection or maintenance thereof would not be contrary to this Act or any lawful rule or regulation of the Board.

All billboards and electric signs authorized by this Act shall be subject to all applicable provisions of Section 24, Article II, of the Texas Liquor Control Act.

It shall be unlawful for any person to erect, maintain or display any outdoor advertising, billboard, or electric sign not conforming in all respects to the provisions of this Act; and any billboard or electric sign displayed contrary thereto is hereby declared illegal equipment and subject to seizure and forfeiture as provided for such action in respect to illicit beverages and other illegal equipment under the provisions of this Act.

The owner of any outdoor advertising, the erection, maintenance or display of which would be in violation of the provisions of this Section, shall be responsible for the removal thereof from public view immediately, and failure so to remove shall be a violation of this Act."

Section 21. Article II of the Texas Liquor Control Act is hereby amended by the addition of new sections numbered and reading as follows:

"Sec. 23 $\frac{1}{2}$. (a). The tax levied in Section 23 of Article II of the Texas Liquor Control Act is levied only on its first sale in Texas or only on its importation into Texas, whichever shall first occur.

(b). On beer imported into this State the duty of paying the tax shall rest primarily upon the Importer, and said tax shall become due and payable on the fifteenth (15th) day of the month following that month in which said beer was imported into this State.

(c). On beer manufactured in this State the duty of paying the tax shall rest primarily upon the manufacturer, and said tax shall become due and payable on the fifteenth (15th) day of the month following that month in which the first sale of said beer was made in this State.

(d). It is not intended that the tax levied in Section 23 of Article II of the Texas Liquor Control Act shall be collected on beer shipped out of this State for consumption outside this State, or on beer shipped to any installation of the National Military Establishment, wherein the State of Texas has ceded police jurisdiction, for consumption by military personnel within said installation, and the Board shall provide forms on which Dis-

tributors and Manufacturers may claim and obtain exemption from the tax on such beer. If any Distributor or Manufacturer has paid the tax on any beer and thereafter said beer is shipped out of this State, for consumption outside this State, or is shipped into any installation of the National Military Establishment as referred to above, for consumption by military personnel therein, a claim for refund may be made upon payment of a fee of Five Dollars (\$5.00) to the Board at the time and in the manner prescribed by the Board or Administrator. So much of any funds derived hereunder as may be necessary, not to exceed two (2) per cent thereof, is hereby appropriated for such purpose. The Board may promulgate rules and regulations generally for the enforcement of this provision.

(e). It shall be unlawful for any Importer, unless he be the holder of an Importer's Carrier's License, to import beer into this State except by steam, electric and motor power railway carriers, and common carrier motor carriers operating under certificates of convenience and necessity issued by the Railroad Commission of Texas, or such certificates issued by the Interstate Commerce Commission. Any such carrier shall be the holder of a Carrier's Permit provided for in Section 15 (11), Article I of the Act, and shall comply with all the requirements thereof as in the transportation of liquor. It shall be unlawful for any carrier enumerated herein to transport beer into this State, except military beer consigned to military installations, unless the same shall be consigned and delivered to an Importer.

(f). As used in Article II, an 'Importer' is a person who imports beer into this State in quantities in excess of two hundred eighty-eight (288) fluid ounces in any one day. It shall be unlawful for any Importer to import beer into this State unless and until he shall first obtain from the Board an Importer's License, the annual fee for which shall be Five Dollars (\$5.00). The application for such license shall contain such information as the Board may require. No importer's License shall be granted to any person who is not already the holder of a Manufacturer's License or a Distributor's License.

(g). No Importer shall import beer into this State by any means of trans-

portation other than those set out in paragraph (e) hereof unless he shall first obtain from the Board an Importer's Carrier's License, which license shall entitle him to import beer into this State in vehicles owned or leased in good faith by him. The annual fee for such license shall be Five Dollars (\$5.00). The application for such license shall contain such information as to description of the vehicles and such other information as the Board may require. All vehicles used under such licenses shall have painted or printed thereon such designation as the Board may require. It shall be unlawful for any Importer to import beer into this State in any vehicle not fully described in his application, except as is permitted in Paragraph (e) hereof. No Importer's Carrier's License shall be issued to any person who is not already the holder of an Importer's License.

(h). The Board is hereby authorized and empowered to require of all Manufacturers of beer in this State, and of all Manufacturers of beer imported into this State, and of all Importers and Distributors, such information as to purchases, sales and shipments as will enable the Board to collect the full amount of the tax due the State, and it shall be unlawful for any such Manufacturer, Importer or Distributor of beer to fail or refuse to give the Board such information. The Board shall have the power to seize and withhold from sale any beer, the Manufacturer, Importer, or Distributor of which fails or refuses to give to the Board any information which the Board may require under this provision, or fails or refuses to permit the Board to make investigation of pertinent records, whether they be located within or without this State.

(i). Any person in possession of beer on which the tax is delinquent shall be held in violation of this Article and liable for the taxes herein provided and for the penalties for such violations.

(j). The Board shall require of Manufacturers of beer in Texas, and of Importers of beer into Texas, a bond or bonds executed by the Manufacturer or Importer as principal, and a surety company, duly qualified and doing business in this State, as surety, and said bond or bonds shall be made payable to the order of the State of Texas and conditioned as the Board may require and approved by the Attorney General

of Texas as to form. Said bond or bonds shall be in such amount as will adequately protect the State against the anticipated tax liability of the principal during any six (6) weeks period.

(k). Such sworn statements of taxes due as may be required by the Board, and remittances therefor made payable to the State Treasurer, shall be forwarded to the Board each month not later than the due date set out herein. All such remittances shall be turned over by the Board to the State Treasurer, and after the allocation of funds to defray administrative expenses of the Board as provided in the current Departmental Appropriation Act, all remaining funds shall be deposited in the State Treasury as set out in paragraphs (a) and (b) of Section 23½ of Article II of the Texas Liquor Control Act.

(l). In any suit brought to enforce the collection of any tax due on beer manufactured in or imported into Texas, a certificate by the Board or Administrator showing the delinquency shall be prima facie evidence of the levy of the tax, or the delinquency of the amount of tax and penalty set forth therein and of compliance by the Board with all provisions of this Act in relation to the computation and levy of the tax.

(m). This section shall be effective on and after October 1, 1949, and on and after that date the purchase, affixing or mutilation of beer tax stamps shall no longer be required in Texas, and all requirements as to beer tax stamps in the Texas Liquor Control Act as amended heretofore and herein are hereby specifically repealed."

"Sec. 28. It shall be unlawful for any person to ship or cause to be shipped into this State, or to import into this State, or to manufacture and then offer for sale within this State, or to distribute, sell or store within the State any beer, ale or malt liquor unless and until a sample of such beer, ale, or malt liquor, or a sample of the same type and quality of beer, ale, and malt liquor, has been submitted to the Texas Liquor Control Board for the purpose of analysis, and has been found by the Texas Liquor Control Board or its representatives to be in compliance with all rules and regulations of the Board relating to quality, purity, and standards of measure.

"It shall also be unlawful for any person to import any beer, ale, or malt liquor into this State, or to manufacture and then offer for sale within this State, or to distribute, sell, or store within this State any beer, ale, or malt liquors unless and until the label thereof has been submitted to the Texas Liquor Control Board or its authorized representatives and such label has been approved by the Texas Liquor Control Board or its authorized representatives as being in compliance with all rules or regulations of the Texas Liquor Control Board or any provision of the Act relating to the labeling of beer, ale, or malt liquor. Any beer, ale, or malt liquor so imported into this State, or manufactured and then offered for sale within this State, in violation of this Section shall be an illicit beverage. Provided, however, that all labels bearing the same wording or design as labels attached to any beer manufactured in or imported into this State during the period between January 1, 1949, and June 1, 1949, are hereby approved, and no further approval shall be needed by the Manufacturers or Distributors of such brands of beer unless said Manufacturers or Distributors desire to change the wording or design of such labels."

"Sec. 29. It shall be unlawful for a common carrier or any person to transport beer into this State, except military beer consigned to military installations, unless the same shall be consigned and delivered to the holder of a Manufacturer's, General Distributor's, Branch Distributor's, or Local Distributor's License, except as provided in Section 3-b of Article II."

"Sec. 30. No security for cost shall ever be required of any representative of the Texas Liquor Control Board in any matter wherein said representative protests the issuance of a license or permit in any hearing conducted by the County Judge to determine whether or not a license or permit shall be issued."

"Sec. 31. It shall be unlawful for any person licensed to sell beer at retail other than a Manufacturer or Distributor to use or display a license, or to exercise any privilege granted by a license except at the place, address, premise, or location for which the license is granted, except that deliveries of beer and collections therefor may be made in areas where the sale thereof

is not prohibited under the local option provisions of this Act under such license off the licensed premises in the county where licensed on bona fide order placed in person by the customer at the licensed premises or by mail or telephone to the licensed premises."

Section 22. Section 23 of Article II of the Texas Liquor Control Act be amended so as to read hereafter as follows:

"Sec. 23. There is hereby levied and assessed a tax at the rate of One Dollar and Twenty-four Cents (\$1.24) per barrel on the first sale of all beer manufactured in Texas and on the importation of all beer imported into this State."

Section 23. The amendment of any section or any portion of a section of the Texas Liquor Control Act by the enactment of this Act shall not affect nor impair any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any cause before such amendment shall take effect; but every such act done or right vested or accrued, or proceeding, suit, or prosecution had or commenced, shall remain in full force and effect to all intents as if such sections or part thereof amended had remained in force. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time when any section or part thereof shall be repealed or amended by this Act, shall be discharged or affected by such repeal or amendment; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if the prior Statute or part thereof had not been repealed or amended.

Section 24. If any part, section, subsection, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the Courts to be unconstitutional, such holding shall not affect the validity of the remaining portion of the Act; and the Legislature hereby declares that it would have passed such remaining portion despite such invalidity.

Section 25. All laws and parts of laws in conflict herewith are hereby expressly repealed, to the extent of such conflict only.

Section 26. The fact of the urgent

public need of clarification of Chapter 467, House Bill 77, of the 44th Legislature, Second Called Session, for the proper administration of the Liquor Laws of the State of Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage; and it is so enacted.

Question—Shall the amendment be adopted?

**Conference Committee on House
Bill 642**

Senator Cousins called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 642 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Cousins, Hudson, Morris, Proffer and Bracewell.

**Conference Committee on House
Bill 97**

Senator Hardeman called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 97 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Shofner, Hardeman, Bell, Harris and Ashley.

**Senate Bill 387 with House
Amendments**

Senator Hardeman called S. B. No. 387 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Sen-

ate, and the House amendments were read.

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Jones

House Bills on First Reading

The following bills, received from the House were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 820, To Committee on Rules.

H. B. No. 982, To Committee on Civil Jurisprudence.

Bills Signed

The President signed, in the presence of the Senate after giving due notice thereof the following enrolled bills:

S. B. No. 497, A bill to be entitled "An Act making a supplemental appropriation for the Fire Insurance Division of the Board of Insurance Commissioners and declaring an emergency."

S. B. No. 55, A bill to be entitled "An Act to validate the establishment, organization, and/or creation of all school districts, validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; etc.; and declaring an emergency."

Conference Committee on House Joint Resolution 7

The President announced the appointment of the following conference committee on House Joint Resolution No. 7, on the part of the Senate:

Senators Proffer, Hudson, Martin, Hazlewood and Cousins.

Recess

On motion of Senator Moffett, the Senate at 11:55 o'clock a.m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by Senator Aikin.

Leave of Absence Granted

Senator Moore was granted leave of absence for the remainder of the day on account of important business on motion of Senator Corbin.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 22, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 146, Suspending the Joint Rules to permit the House to consider House Bill No. 985 on Wednesday, June 22, 1949, and/or Thursday, June 23, 1949.

H. C. R. No. 147, Suspending the Joint Rules to permit the House to take up for consideration House Bill No. 535 on either Wednesday, June 22, or Thursday, June 23, 1949.

In compliance with the request of the House of Representatives granted by the adoption with H. S. R. No. 265, I am requesting the return of S. B. No. 497 for further consideration.

H. C. R. No. 148, Instructing the Enrolling Clerk of the House to strike out certain words as they now appear in House Bill No. 934 and making substitutes.

The House has reconsidered the

vote by which the House concurred in Senate amendments to H. B. No. 976.

The House has concurred in Senate amendments to House Bill No. 976 by vote of 130 ayes, 2 noes.

June 22, 1949, the House has adopted the Conference Committee Report to S. C. R. No. 36 by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 677 by vote of 125 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 973 by vote of 125 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 684 by vote of 125 ayes, 0 noes.

S. B. No. 471, A bill to be entitled "An Act regulating fishing in Lake Texoma, permitting sale of certain rough fish; providing a penalty for violation hereof; repealing conflicting laws; and declaring an emergency."

H. C. R. No. 149, Granting each House permission to adjourn from Wednesday, June 22, 1949, until Monday, June 27, 1949.

The House concurred in Senate amendments to House Bill No. 786.

S. B. No. 139, A bill to be entitled "An Act appropriating monies out of the General Revenue Fund to pay Deficiency Certificates issued by the Comptroller under Articles 1035 and 1036, Code of Criminal Procedure, 1925, for the State's fiscal year ending August 31, 1947 and 1948 and supplementing appropriations made for the payment of certain fees and expenses in the Judiciary for the appropriations made for the fiscal year ending August 31, 1948 and for the fiscal year ending August 31, 1949, and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Concurrent Resolution 146

On motion of Senator Ashley, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 146, Suspending the Joint Rules to permit the House to consider H. B. No. 985 on Wednesday, June 22 or Thursday, June 23, 1949.

The resolution was read and was adopted.

Request of the House for the Return of Senate Bill 497 Granted

On motion of Senator Cousins, the request of the House for the return of S. B. No. 497 for further consideration by the House, was granted.

House Bill 84 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 84 on passage to third reading with an amendment by Senator Bell pending.

Question—Shall the amendment be adopted?

Senator Martin offered the following amendment to the amendment:

Amend the Bell amendment No. 15 to H. B. 84 by adding a new section on page 53 of said amendment, after Subsection 28 and before Subsection 29, to be known as 28-A to read as follows:

"Allowed or permitted any person, actually or apparently, under the age of twenty-one (21) years to consume or possess for the purpose of consuming any alcoholic beverage on the licensed premises, or"

Senator Bell moved to table the amendment to the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—16

Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bullock	Morris
Carney	Phillips
Cousins	Shofner
Hardeman	Strauss
Harris	Tynan
Hudson	Vick

Nays—11

Aikin	Lock
Bracewell	Martin
Corbin	McDonald
Hazlewood	Moffett
Jones	Proffer
Lane	

Absent

Colson	Weinert
Taylor	

Absent—Excused

Moore

Senator Martin moved to table the amendment by Senator Bell.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—6

Aikin	Martin
Bracewell	Moffett
Corbin	Proffer

Nays—21

Ashley	Kelly of Tarrant
Bell	Lane
Bullock	Lock
Carney	McDonald
Cousins	Morris
Hardeman	Phillips
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Absent

Colson	Weinert
Taylor	

Absent—Excused

Moore

Question recurring on the amendment, it was adopted.

Senator Morris offered the following amendment to the bill:

Amend House Bill 84, page 26, by adding after the word "purposes" in line 13 a new sentence reading as follows: "Sixty-five per cent (65%) of all moneys derived from the sales herein referred to shall be deposited in the General Fund of the State of Texas."

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend House Bill 84, page 25, line 62, by inserting in front of the word "all" the words and figures "thirty-five per cent (35%) of".

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend House Bill 84 by striking out on pages 11 and 12, beginning on line 67 of page 11, the following:

"The requirements contained in this Section shall also apply when in the course of an interstate or foreign shipment of liquor, it is necessary to cross the State in the course of such transportation."

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend House Bill 84 by adding after the word "Act" on line 15, page 24, the following:

"Nothing in this section shall be interpreted to impose upon common carriers the duty to see that such tax stamps are affixed."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—25

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Moffett
Carney	Morris
Corbin	Phillips
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	

Nays—3

Martin	Proffer
McDonald	

Absent

Colson	Weinert
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Absent—Excused

Moore

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 84, Page 26, Section 8, line 34, by adding at the end of the sentence the following:

Any failure on the part of the peace officer making such seizure to file said reports shall constitute a misdemeanor and upon conviction thereof shall be fined not more than \$100 nor less than \$50, or shall be confined in jail not less than 10 days nor more than 90 days or by both such fine and imprisonment.

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill 84 as amended by adding a new section to be properly numbered between Sections 23 and 24, Page 64 thereof, which shall read as follows:

"The Commissioners' Court of any County in the territory thereof outside of incorporated cities and towns are hereby authorized to regulate the sale of beer on Sunday outside such incorporated cities and towns, and may thereby prescribe the opening and closing hours for such sales; provided, however, that the opening hour shall never be earlier than 1 p.m. on Sunday."

Senator Bell moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Ashley	Hudson
Bell	Jones
Bracewell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carney	Phillips
Corbin	Shofner
Cousins	Tynan
Hardeman	Vick
Harris	

Nays—8

Aikin	McDonald
Hazlewood	Moffett
Lane	Morris
Martin	Proffer

Absent

Colson	Taylor
Lock	Weinert
Strauss	

Absent—Excused

Moore

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill No. 84 by adding a new section to be properly numbered, which said section shall read as follows:

"Section 10 of Article II of the Texas Liquor Control Act be amended so as to read hereafter as follows:

"Section 10(a). It shall be unlawful for any person to sell beer or offer same for sale:

"(1) On Sunday after 1:00 o'clock a.m., outside the corporate limits of any incorporated city or town.

"(2) On Sunday at any time between the hours of 1:00 o'clock a.m., and 1:00 o'clock p.m., within the corporate limits of any incorporated city or town.

"(3) On any day except Sunday at any time prior to 7:00 o'clock a.m."

Senator Bell moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—17

Ashley	Jones
Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Phillips
Corbin	Strauss
Cousins	Taylor
Hardeman	Tynan
Harris	Vick
Hudson	

Nays—10

Aikin	Martin
Carney	McDonald
Hazlewood	Morris
Lane	Proffer
Lock	Shofner

Absent

Colson	Weinert
Moffett	

Absent—Excused

Moore

Senator Phillips offered the following amendment to the bill:

Amend H. B. No. 84, pages 24 and 25, by striking out the entire Section 37 of the printed bill as shown on pages 24 and 25.

Senator Bell moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—24

Aikin	Lane
Bell	Lock
Bullock	Martin
Carney	Moffett
Corbin	Morris
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—3

Ashley	Phillips
McDonald	

Absent

Bracewell	* Hardeman
Colson	

Absent—Excused

Moore

Senator McDonald offered the following amendment to the bill:

Amend H. B. 84, Section 7, subsection 17-2, by changing the semicolon following the word "store" on line 64 of page 19 of the printed bill to a period and by deleting the following from said subsection:

"provided that this Section 17(2) shall not in any manner affect or apply to any Package Store Permit or Wine Only Package Store Permit or the renewal thereof issued before and in effect on May 1, 1949, and the Board or Administrator shall grant and issue upon proper application a renewal of each Package Store Permit or Wine Only Package Store Permit which is in effect on May 1, 1949, if the applicant shall be otherwise qualified therefor under the provisions of this Article regardless of the provisions of this Section 17(2)."

Motion to Recess

Senator Vick moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14

Aikin	Jones
Ashley	Kelly of Tarrant
Bullock	Lock
Cousins	Moffett
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Vick

Nays—14

Bell	Martin
Bracewell	McDonald
Carney	Morris
Corbin	Phillips
Harris	Strauss
Kelley of Hidalgo	Taylor
Lane	Tynan

Absent

Colson	Weinert
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Absent—Excused

Moore

Senator Bell moved to table the amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—10

Bell	Kelley of Hidalgo
Carney	Moffett
Corbin	Morris
Cousins	Strauss
Harris	Taylor

Nays—18

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Hardeman	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Tynan
Kelly of Tarrant	Vick

Absent

Colson	Weinert
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Absent—Excused

Moore

Question—Shall the amendment be adopted?

House Concurrent Resolution 147

On motion of Senator Taylor, and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 147, Suspending the Joint Rules to permit the House to consider H. B. No. 535 on Wednesday, June 22, or Thursday, June 23, 1949.

The resolution was read and was adopted.

Senate Bill 425 with House Amendments

Senator Vick called S. B. No. 425 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Vick moved that the Senate concur in the House amendments.

The motion prevailed.

Reports of Standing Committee

By unanimous consent, the following reports were submitted at this time.

Austin, Texas,
June 22, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred S. C. R. No. 11, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do not pass but that the Committee Substitute do pass in lieu thereof and be printed.

HARRIS, Chairman.

C. S. S. C. R. No. 11 was read first time.

Austin, Texas,
June 22, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred S. C. R. No. 12, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do not pass.

HARRIS, Chairman.

Report of Conference Committee on House Bill 737

Senator Hudson submitted the following report:

Austin, Texas,
June 21, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 737, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

HUDSON
HAZLEWOOD
JONES
CARNEY

On the part of the Senate.

WINDHAM
GRAHAM
RUST
HULL
WHITWORTH

On the part of the House.

A BILL TO BE ENTITLED

"An Act amending Section 3, Article 6008a, Title 102, Vernon's Civil Statutes of the State of Texas, Annotated, Revision of 1925, being Senate Bill No. 407, Acts of the 45th Legislature of the year 1937, Chapter 367, as amended by Senate Bill No. 227, Acts of the 50th Legislature of the year 1947, Chapter 351, by adding new sections thereto to be known as subdivisions (h) and (i), which shall follow after subdivision "(g)," Section 3, Article 6008a, providing that natural gas, including casinghead gas, having a specified content of certain hydrocarbons as determined by fractional analysis, produced from any gas well or oil well in this state, may be used for the manufacture of carbon black in a plant producing an average of one and one-half (1½) pounds of carbon black per one thousand (1,000) cubic feet of such gas; providing certain exceptions; providing that any such gas having a greater hydrocarbon content so determined may not be so used without the prior extraction of its natural gasoline content; provided, however, that the Railroad Commission of Texas may authorize such use without prior extraction of the natural gasoline content under certain conditions; providing that no channel type carbon black plant shall hereafter be erected or constructed in the State of Texas

closer than five (5) miles to the limits of any then incorporated city, town or village or to any citrus or fruit orchard then planted; providing a savings clause; repealing all laws or parts of laws in conflict; and declaring an emergency."

Be It Enacted By the Legislature of the State of Texas:

Section 1. Section 3, Article 6008a, Title 102, Vernon's Civil Statutes of the State of Texas, Annotated, Revision of 1925, being Senate Bill No. 407, Acts of the 45th Legislature of the year 1937, Chapter 367, as amended by Senate Bill No. 227, Acts of the 50th Legislature of the year 1947, Chapter 351, is hereby amended by adding a new section thereto to be known as subdivision (h), and a new section thereto to be known as subdivision (i), which shall follow after subdivision "(g)," Section 3, Article 6008a, which subdivisions (h) and (i) shall read as follows:

"(h) Any natural gas, including casinghead gas, produced from any gas well or oil well in this State, containing less than one and one-half (1½) gallons of propane and heavier hydrocarbons per one thousand (1,000) cubic feet, as determined by fractional analysis made of such gas, may be used for the manufacture of carbon black in a plant producing an average recovery of as much as one and one-half (1½) pounds of carbon black for each one thousand (1,000) cubic feet of gas consumed, but natural gas, including casinghead gas, produced from any oil well in this state, containing one and one-half (1½) gallons or more of propane and heavier hydrocarbons per one thousand (1,000) cubic feet, as determined by fractional analysis made of such gas, may not be so used in such a plant without the prior extraction of its natural gasoline content; provided, however, that the Railroad Commission of Texas may upon application being filed therefor, and after notice and hearing, authorize the use of any natural gas, including casinghead gas, containing one and one-half (1½) gallons or more of propane and heavier hydrocarbons per one thousand (1,000) cubic feet, as determined by fractional analysis made of such gas, in the manufacture of carbon black in such a plant where the Railroad Commission shall find it to be unprofitable to first extract the natural gasoline content of such gas. Provided, further,

that in the event a general shortage of propane and/or heavier liquid hydrocarbons occurs, then after notice and hearing the Railroad Commission may require additional extraction of such hydrocarbons from such gas to alleviate such shortage, but such additional extraction shall not be required where it is not economically feasible to do so."

"(i) The provisions of this Act shall not apply to natural gas produced from a common reservoir containing both sweet and sour gas which is being lawfully used for the manufacture of carbon black, or to gas from gas wells located in such reservoirs which was entitled to be so used at the time of the passage of this Act under the provisions of Section 3, Article 6008a, Title 102, Vernon's Revised Civil Statutes of Texas, being Senate Bill 407, Acts of the 45th Legislature, 1937, as amended by Senate Bill 227, Chapter 351, Acts of the 50th Legislature, 1947."

Section 2. After the effective date of this Act no channel type carbon black plant shall be erected or constructed closer than five (5) miles to the limits of any city, town or village, incorporated at or before the time the erection or construction of such a plant is begun, or to a commercially operated citrus fruit orchard planted not less than one (1) year before the time the erection or construction of such a plant is commenced, unless adequate precaution is taken to minimize the emission or smoke from such plant.

Section 3. Repeal of Conflicting Laws. All laws or parts of laws in conflict with any of the provisions of this Act are repealed.

Section 4. Partial Invalidity. If any section, clause, sentence, or provisions of this Act should, for any reason, be held to be invalid or unconstitutional, it shall not affect in anywise the remaining provisions of this Act not so held, and all that portion not held invalid shall remain in full force and effect.

Section 5. The fact that there are now a considerable number of sweet gas wells that have been drained and are now being drained because of the lack of pipe line connections and market outlets, and because the owners thereof have no market for such gas for light and fuel purposes, and because there is no market outlet for sweet casinghead gas produced with

oil in many fields in Texas, and such gas is either flared or such fields shut in, and because there is now no law regulating the location of carbon black plants in the vicinity of cities, towns, villages or citrus fruit orchards, creates an emergency and imperative public necessity that the Constitutional rule requiring that all bills be read on three several days in each House be suspended; and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—23

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Morris
Cousins	Phillips
Harris	Shofner
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—3

Aikin	Proffer
Corbin	

Absent

Hardeman	Strauss
Lock	Weinert

Absent—Excused

Moore

Senate Joint Resolution 18 on First Reading

By unanimous consent, the following Joint Resolution was introduced, read first time and referred to the committee indicated:

By Senators Bracewell, Morris, Cousins, Taylor, Aikin, Strauss, Bullock, Carney, Phillips, Kelley of Hidalgo, Kelly of Tarrant, Jones, Corbin and Shofner:

S. J. R. No. 18, Proposing an amendment to the Constitution of the State of Texas creating the Texas Building Commission; providing for the issuance of bonds and for the purchase of necessary real property and the modernizing, remodeling, building and equipping of buildings for

eleemosynary and other state purposes; providing a method for the retirement of such bonds; providing for an election thereon and prescribing the form of ballot.

To the Committee on Constitutional Amendments.

House Concurrent Resolution 149

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 149, Granting each House permission to adjourn from Wednesday, June 22, until Monday, June 27, 1949.

The resolution was read.

Question—Shall the resolution be adopted?

Yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—17

Aikin	Jones
Ashley	Kelly of Tarrant
Bracewell	Lock
Bullock	Moffett
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Vick
Hudson	

Nays—11

Bell	McDonald
Carney	Morris
Corbin	Phillips
Kelley of Hidalgo	Taylor
Lane	Tynan
Martin	

Absent

Colson	Weinert
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Absent—Excused

Moore

Recess

Senator Vick moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17

Aikin	Lane
Ashley	Lock
Bracewell	McDonald
Bullock	Moffett
Carney	Proffer
Colson	Shofner
Cousins	Taylor
Hardeman	Vick
Harris	

Nays—11

Bell	Martin
Corbin	Morris
Hudson	Phillips
Jones	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	

Absent

Hazlewood	Weinert
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Absent—Excused

Moore

The Senate accordingly at 4:40 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-EIGHTH DAY

(Continued)

(Thursday, June 23, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore.

House Bill 84 on Passage to Third Reading

The President pro tempore laid before the Senate as unfinished business on its passage to third reading:

H. B. No. 84, Amending the Liquor Control Act.

The bill having been read second time on Tuesday, June 21, 1949, with an amendment by Senator McDonald, offered on Wednesday, June 22, 1949, pending.

Question—Shall the amendment be adopted?

(President in the Chair)

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the fol-